

**MEETING MINUTES**  
**July 24, 2018**  
**2:00 P.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER**

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**MYRTLE BEACH CITY COUNCIL:**

**PRESENT:**

**MICHAEL CHESTNUT, MAYOR PRO-TEM**  
**MARY JEFFCOAT**  
**MIKE LOWDER**  
**PHILIP N. RENDER**  
**GREGG SMITH**  
**JACKIE VEREEN**

**ABSENT:**

**BRENDA BETHUNE, MAYOR**

**CITY STAFF:**

**JOHN PEDERSEN, CITY MANAGER**  
**JONATHAN "FOX" SIMONS, ASSISTANT CITY MANAGER**  
**BRUCE BOULINEAU, ASSISTANT CITY MANAGER**  
**MIKE SHELTON, CHIEF FINANCIAL OFFICER**  
**TOM ELLENBURG, CITY ATTORNEY**  
**JENNIFER STANFORD, ACTING CITY CLERK**



**Roll Call.**

**Present: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.**

**Absent/Excused: Mayor Brenda Bethune.**

**CALL TO ORDER.....Mayor Pro-Tem Chestnut**  
**2:00 PM**

**INVOCATION.....Councilman Smith**

**PLEDGE OF ALLEGIANCE.....Councilman Lowder**

**APPROVAL OF AGENDA.....**

**CONSENT AGENDA:**

**MOVED TO REGULAR:**

**1<sup>st</sup> Reading Ordinance 2018-51 to amend Ordinance No. 2018-38, the 2018-19 Budget Ordinance, (1) to implement recommendations of the Chapin Memorial Library Board, (2) to provide for the transfer of funds to finance animal shelter improvements, and (3) to correct a scrivener's error in the schedule of Solid Waste fee and charges.**



**Motion: To Approve, Moved by Gregg Smith, Seconded by Mike Lowder.**



**Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**

**Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.**

**Absent: Mayor Brenda Bethune.**

**APPROVAL OF WORKSHOP MINUTES.....July 10, 2018**



**Motion: To Approve, Moved by Mike Lowder, Seconded by Philip N. Render.**




**Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**

**Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.**

Absent: Mayor Brenda Bethune.

**APPROVAL OF MINUTES**..... July 10, 2018

 **Motion:** To Approve. **Moved by** Mary Jeffcoat, **Seconded by** Gregg Smith.

 **Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).


Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Mayor Brenda Bethune.


**PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:**

**1. Proclamation recognizing Mary Jo Rogers.**

 Councilwoman Jeffcoat presented proclamation

 Mary Jo Rogers thanks City Council.

**2. Oath of Office Fire Command Staff.**

 Fire Chief Gwyer spoke of his appreciation and is confident he will be a strong leader.

**3. Public Information Update – PIO Staff/Police**

 Kaycey Vrettos gave an update on previous, present and future events.

**CONSENT AGENDA** – *The Consent Agenda covers items anticipated to be routine in nature. Any Councilmember may ask that an item be moved from the Consent Agenda to the Regular Agenda for lengthier discussion, or a member of the public may request that such an item be moved. Items remaining on the Consent Agenda will be briefly described by staff, and may be passed as a group with the APPROVAL OF THE AGENDA.*

**Note:** *City laws are known as ordinances. Before a City ordinance can be enacted it must be introduced (1<sup>st</sup> Reading), & then approved (2<sup>nd</sup> reading). Resolutions are normally actions through which City Council reinforces or makes policy not rising to the level of law. Motions are generally related to direction from City Council to City staff to take certain actions.*

**2<sup>nd</sup> Reading Ordinance 2018-41** of two parts, Part One: to repeal in its entirety Division 2, Purchasing in Chapter 2, Administration, Article VI Finance. Part Two: to enact Chapter 2, Administration, Article VI Finance, Division 2, Purchasing to adjust limits for requiring formal procurement solicitation and contract procedures; to clarify the competitive bidding requirement; to amend the local preference sub-section to comport with these amendments; and to add procedures for filing and resolving disputes and protests.

*The Purchasing Code was amended in 2007 to change the limits of purchases requiring competitive bids to \$2,500 for "local purchase orders" and written bids to \$5,000. This proposed amendment:*

- *Changes the term "local purchase order" to "limited purchase order (LPO)."*
- *Requires competitive procedures for all purchases, including competitive quotes for purchases made by LPO.*
- *Names the department head as the acting purchasing agent when using LPOs and requires the consistent documentation for all purchase processes.*
- *Allows LPO use up to \$7,500, allows oral quotes up to \$25k, but requires written procedures for purchases exceeding \$25,000 (consistent with those of similarly sized cities).*
- *Allows for publication by means other than newspaper. Provides public notice and listing requirements for agencies acting as City's listing or sales agents.*
- *Establishes a formal protest & appeals process to handle disputes.*

Changes since 1<sup>st</sup> reading:

- Added requirement ensuring that vendors and contractors have insurance and business licenses.
- Added "contractual services" to the list of items that may be purchased using LPO.
- Defined NESA (North Eastern Strategic Alliance).

The proposed appeal process includes:

- An informal protest process upon notification within five days of the bid award.
- If this is unsuccessful, the aggrieved party may initiate a formal protest:
  - Written notice to the Purchasing Agent within five days of informal notice.
  - Payment of 5% admin fee.
  - During the pendency of the protest, the disputed contract will not be awarded unless the Purchasing Agent finds that it is necessary.
  - Purchasing Agent may hold a hearing and/or conduct an investigation.
  - Purchasing Agent to render decision within 10 days of the notice.

## **ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2018-44 to extend the corporate limits of the City of Myrtle Beach by annexing 1.37 acres located at Lot 44 Cove Dr. (Horry County PIN #39403040032), and rezone said property from Horry County SF 10 (Single Family Residential) to City of Myrtle Beach R15 (Single Family Residential).**

*With annexation of this parcel there will be 14 parcels left in Dunes Cove that are not in the City.*

## **ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2018-46 to amend Section 1407.C of the zoning ordinance to allow indoor kennels as a permitted use in the MP (Medical/Professional) district.**

*The applicant owns the Vet Clinic of Myrtle Beach at 708 21<sup>st</sup> N and would like to offer additional services on an adjacent lot. Both properties are zoned MP which does not allow kennels (they are allowed in the HC1 and HC2, WM, and LM zones). There are seven locations where an MP district abuts a residential district (the applicant's location does not).*

## **ADOPTED**

**1<sup>st</sup> Reading Ordinance 2018-51 to amend Ordinance No. 2018-38, the 2018-19 Budget Ordinance, (1) to implement recommendations of the Chapin Memorial Library Board, (2) to provide for the transfer of funds to finance animal shelter improvements, and (3) to correct a scrivener's error in the schedule of Solid Waste fee and charges.**

*At City Council's July 10<sup>th</sup> meeting, the Chairperson of the Chapin Memorial Library Board presented several recommendations that the Board adopted at its June 22<sup>nd</sup> meeting including:*

- Free library cards for veterans.
- Acceptance of County grant to Chapin Library for purchase of library materials.
- Free library cards for residents participating in Palmetto Library Consortium or other inter-library loan arrangements w/ Chapin Library (Darlington, Georgetown, Horry, Marion, Dillon, Williamsburg & Sumter).
- Keep other fees as they are to offset costs of materials lost to patrons of other locations, for which the library has no recourse.

*The amendment also:*

- Provides for interfund transfer allowing the Storm Water Fund to reimburse the capital projects account for Animal Shelter improvements for physical improvements to the kennel areas.
- Corrects a scrivener's error relating to the landfill tipping fee charge adopted in 2017-18.

## **MOVED FROM CONSENT TO REGULAR**



Jennifer Nassar spoke of the benefits



John Hobson spoke that he fully supports amendment proposal



**Motion:** To Approve 1<sup>st</sup> reading, **Moved by Philip N. Render, Seconded by Mary Jeffcoat.**



**Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

**Yes:** Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

**Absent:** Mayor Brenda Bethune.

**Motion M2018-114 to approve a Special Event Permit to the Myrtle Beach Shrine Club/Rusty Watson for the “2018 Smoke on the Beach”. At the Burroughs & Chapin Pavilion Place Lot at 812 North Ocean Boulevard from 10:00 am to 10:00 pm each day, Friday September 28 to Saturday September 29. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.**

*There are no road closures and/or in-kind service requests associated with this event. The Shriners expect 1,500 – 2,000 participants. This event is a fund raiser benefiting the Shriners' Children Hospitals.*

## **APPROVED**

**Motion M2018-115 to approve a Special Event Permit to Scott Payseur for the “Ground Zero Fall Bonfire” event for area teenagers, which is to be held on the beach side of the Burroughs & Chapin Pavilion Place lot on October 22, 2018 (Monday), from 6:00 p.m. to 8:30 p.m. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.**

*There are no road closures associated with this event. Ground Zero expects 100 event participants. GZ has requested use of the City's bike barricades to separate the kids from the bonfire, and to have a City fire engine standing by.*

## **APPROVED**

**REGULAR AGENDA The Regular Agenda includes items that are not anticipated to be routine in nature. Any Councilmember may ask that an item be moved from the Consent Agenda to the Regular Agenda for lengthier discussion, or a member of the public may request that such an item be moved.**

**2<sup>nd</sup> Reading Ordinance 2018-47 to create a redevelopment district zone known as the Gateway Galleria Redevelopment District Zone.**

*This proposed district is located along 7<sup>th</sup> N, N. Ocean Blvd., and Chester St. The applicant requests rezoning to a “floating zone” to allow a mixed-use commercial/accommodation/residential development. This is the second review under the new “floating zone”, which requires a RDZ designation by Council.*

## **ADOPTED - VOTE INCLUDED IN ORDINANCE 2018-50**



**2<sup>nd</sup> Reading Ordinance 2018-48 to approve the 7<sup>th</sup> Avenue North Redevelopment agreement between the City of Myrtle Beach and Laniado Development, LLC (Developer).**

*The developer is planning to construct a commercial & residential/accommodation mixed use ocean-front development at 7<sup>th</sup> N and Ocean Boulevard. The project is the second request to utilize the Floating Zone and Redevelopment Financial Incentives adopted by City Council in 2015 and 2016. Qualifying projects must address conditions which suppress economic and social development of commercial, residential, or mixed-use, and the parties must enter into a development agreement to qualify for financial incentives. To be eligible for the financial incentive the developer must obtain a building permit within six months and must complete the project within two years of the date of the building permit.*

*The proposed development agreement includes:*


- *Vesting certain property rights by protecting the developer from subsequently enacted legislation.*
- *The developer pays normal impact fees (may be refunded thru the incentive policy).*
- *A two-year term of the agreement, with automatic renewal unless one party notifies the other at least one year before the expiration date.*
- *Either party may terminate for a breach if the other doesn't cure within 30 days.*

**ADOPTED - VOTE INCLUDED IN ORDINANCE 2018-50**

**1<sup>st</sup> Reading Ordinance 2018-50 to declare a redevelopment district zone known as the Gateway Galleria Redevelopment District as eligible for redevelopment incentives, pursuant to Chapter 15, Article IV.**

*This is the 3<sup>rd</sup> of 3 companion ordinances to facilitate the construction of the "Gateway Galleria" project, a 75,000 sf mixed use project at the corner of 7<sup>th</sup> North and Ocean Boulevard. Ordinance 2018-47 sets out the project in a "Redevelopment District". Ordinance 2018-48 approves the necessary redevelopment agreement. This proposed ordinance authorizes the application of the City's financial incentive policy to this redevelopment project.*

*The estimated construction cost of this project is \$10,000,000. Per the City's incentive policy, a voucher in the amount of 2% of the construction value (\$200,000 in this case), may be provided to the project upon the issuance of a Certificate of Occupancy. The first draw on the voucher is to reimburse the project for permit and impact fees associated with the construction of that property. Thereafter the voucher may be used to off-set City utility fees, business license fees, or Local Accommodation Taxes accruing to this property until the voucher reaches zero or five years (whichever is first). The voucher may not be used to off-set property taxes, State A-Taxes, or sales taxes of any kind. As structured the incentive does not use other people's property taxes to provide an incentive. The voucher is basically a deferment of some forms of City revenues. The voucher does not affect County or School District taxes.*

 **Motion:** To Approve 2018-47, 2018-48 and 1<sup>st</sup> reading of 2018-50, **Moved by** Mary Jeffcoat, **Seconded by** Mike Lowder.

 **Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Mayor Brenda Bethune.

**Resolution R2018-29 granting a special event permit to the Five Points Business Association for "The Mistletoe Market" and affirming the city's co-sponsorship.**

*This event was continued from the last meeting in order to gauge the support of the local merchants affected by this event, and to see if it was possible to reduce the hours of the proposed road closure. The event goal is to promote Broadway Street and the 5 Points Merchant's Association. As revised:*

- *Broadway would be closed between 3<sup>rd</sup> N and 6<sup>th</sup> N from 8:00 a.m. to 11:00 p.m. on 12/8/18 (originally 6:00 a.m. to midnight).*
- *Activities will feature local restaurants, local arts & crafts vendors, food trucks, food vendors, car show, kid zone, and musical entertainment with stage.*
- *Event will be gated and open to the public with no admission charge.*
- *Off-site parking is proposed at the City owned vacant lot next to City Services.*
- *Participants will be shuttled between the two locations via trolley.*
- *Alcohol (beer and wine only) will be served at this event as approved by the MBPD.*
- *The City agrees to co-sponsor the event and provide the following in-kind services:*
  - *Delivery of water barricades, bicycle racks, and trash barrels.*
  - *Delivery, pick-up and disposal of one roll-off container.*
  - *Provide the event with four Police Officers and two EMT's.*

*The applicant has a petition indicating the support of all except one of the affected merchants.*



**Motion:** To Approve, **Moved by** Gregg Smith, **Seconded by** Mike Lowder.



**Vote:** Motion passed (**summary: Yes = 4, No = 2, Recuse = 0**).

Yes: Michael Chestnut, Mike Lowder, Gregg Smith, Jackie Vereen.

No: Mary Jeffcoat, Philip N. Render.

Absent: Mayor Brenda Bethune.

#### **Street closing from 10AM from 10PM**

#### **Motion M2018-113 to appoint/reappoint one member to the Seniors Advisory Committee.**

*Catherine Nelson, who was a non-resident, has moved out of the area. Her term expires 3/8/2020. We have resumes from residents Patricia Marie Yost and Julia Brinkley, and non-resident Gina Allan. There are currently six residents and two non-residents serving on this board.*



**Motion:** To Appoint Patricia Marie Yost, **Moved by** Philip N. Render, **Seconded by** Mary Jeffcoat.



**Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Mayor Brenda Bethune.

#### **Motion M2018-116 to declare certain vehicles abandoned or derelict pursuant to the authority of Article 41 of Title 56 South Carolina Code of Laws 2001.**

*City staff has previously tagged these vehicles as either abandoned or derelict. Upon approval these vehicles may be towed from their private property location to a storage facility. If the owner does not reclaim the vehicle, then the tow company ultimately becomes the owner of the vehicle and may dispose of it as they see fit. The memo dated July 24, 2018 shows 3 vehicles.*



**Motion:** To Approve, **Moved by** Mike Lowder, **Seconded by** Jackie Vereen.



**Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

Yes: Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.



Absent: Mayor Brenda Bethune.

**Motion M2018-117 to appoint/reappoint three members to the Bicycle and Pedestrian Committee. The terms of Michael Snow, Fleet Odom, and Becky Billingsley will expire on August 26, 2018.**

*The incumbents would like to continue. They are all city residents. We also have resumes from Matthew Hardee and Jim Whitmore both of whom are also City residents. There are currently eight residents and one non-resident serving on this board.*



**Motion:** Approve, **Moved by** Mike Lowder, **Seconded by** Philip N. Render.



**Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

**Yes:** Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

**Absent:** Mayor Brenda Bethune.

**Motion M2018-118 to appoint/reappoint three two members to the Cultural Arts Advisory Committee.**

*The term of Arielle Fatuova, a non-resident, expired July 18, 2018. She wishes to be reappointed. Also, Victoria Tall is deceased and needs to be replaced. Ms. Fatuova wishes to be re-appointed. We also have resumes from residents Robin Edwards-Russell, and Nick Sherfese. There are currently two residents and six non-resident serving on this board.*



**Motion:** To Appoint Robin Edwards-Russell and Nick Sherfese, **Moved by** Mary Jeffcoat, **Seconded by** Jackie Vereen.



**Vote:** Motion carried by unanimous roll call vote (**summary: Yes = 6**).

**Yes:** Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

**Absent:** Mayor Brenda Bethune.

**Motion M2018-119 to appoint/reappoint three members to the Tourism Committee.**

*The terms of Gary Loftus, Taylor Damonte, and Kenneth McKelvey expired on August 25, 2017. The incumbents would like to continue to serve. All are non-residents. We have resumes from residents John Clayton and Robert Sansbury. There are currently five non-residents (no residents) serving on this board.*

**MOVED TO CONSENT TO CONTINUE**

## **AGENDA ITEMS FROM THE PUBLIC**

### **COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS**


### **COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER**


#### **1. Council Communications**





Councilwoman Jeffcoat spoke of past weekend during MASC when received award for Savannah's Playground and what a great it is to receive such an award, becoming a "Business Friendly City" and how important that is for our city, Historic Tax District and what true meaning is, states that staff retreat will be good to resolve some issues, would like to move forward with TAG.

 Councilman Smith states that he enjoyed the MASC Conference and was very beneficial.

 Councilman Render expresses appreciation and thanks to City Manager for reaching out regarding holding a future mid-year retreat where all may discuss to define and resolve broad objectives.

 Councilwoman Vereen spoke of how beneficial it is to speak with other members from all over the state and realizing how in good shape we are here in Myrtle Beach.

 Councilman Lowder discusses how far we've come as a city and have made a lot of progress and improved over the years

 Mayor Pro-Tem Chestnut offers condolences to Assist City Attorney Joi Young and Larry Bragg and their families. Congratulates Chief Gwyer and is looking forward to many years of great service from him.

**2. CFO Update**

**3. CM/ACM Update**

## **REPORTS AND INFORMATION PRESENTATIONS FROM CITY STAFF**

**EXECUTIVE SESSION** - Council may take action on matters discussed in Executive Session which are deemed to be "emergency" concerns.

**Note:** South Carolina law requires that Council's business is conducted in public with limited exceptions known as "Executive Sessions". Subjects eligible for Executive Session include:

- *Personnel matters.*
- *Negotiations concerning proposed contractual arrangements and proposed sale or purchase of property.*
- *The receipt of legal advice relating to:*
  - *A pending, threatened, or potential claim.*
  - *Other matters covered by the attorney-client privilege.*
  - *Settlement of legal claims, or the position of the City in other adversary situations.*
- *Discussions regarding development of security personnel or devices.*
- *Investigative proceedings regarding allegations of criminal misconduct.*
- *Matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses.*

*Motions to go into Executive Session must be made in public and specify one or more reason above. Council can take no votes or take action in Executive Session.*

## **ADJOURNMENT**

**3:19PM**

ATTEST:

\_\_\_\_\_  
BRENDA BETHUNE, MAYOR

\_\_\_\_\_  
JENNIFER STANFORD, INTERIM CITY CLERK